

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 832**

H. P. 707

House of Representatives, February 12, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Jordan of Warren.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Amend the Maine Unfair Trade Practices' Laws.**

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Be it enacted by the People of the State of Maine, as follows:

**5 MRSA § 209**, as last amended by PL 1975, c. 199, is further amended by adding at the end a new paragraph to read:

**In any action under this section where a permanent injunction is denied, the court may, in its discretion, order the State to pay the attorneys' fees and costs of the prevailing party or parties, taking into account all relevant circumstances.**

STATEMENT OF FACT

Section 209 currently provides that the Attorney General's office may bring an action to enjoin any activity which the Attorney General considers to constitute an unfair trade practice. In the event the Attorney General obtains a permanent injunction, section 209 provides that costs of investigation and suit may be awarded to the State. This section authorizes the court to review all relevant circumstances, and in its discretion order the State to reimburse the party opposing the request for a permanent injunction for its attorneys' fees and costs incurred in defending the action.